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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 19, 2001

Date



Signature

Reg. No. 41,177

Telephone

Number:(650) 812-3472

Morgan E. Malino

Typed or printed name

2225 East Bayshore Road, Suite 200

Address

Palo Alto, CA 94303

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Fee Calculation Sheet, Notification, Post Card.

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OFFICE OF PETITIONS
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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 19, 2001

Date



Signature

Reg. No. 41,177

Morgan E. Malino

Type or printed name of person signing certificate



PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 705.00

Complete if Known

Application Number	09/701,797
Filing Date	12/01/2000
First Named Inventor	Clifford Hersh
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	PA1675US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

Deposit
Account
Name

06-0600

Carr & Ferrell, LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee
Code (\$) Code (\$) Fee Description

101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

Total Claims - 20 = X = 0

Independent Claims - 3 = X = 0

Multiple Dependent = 0

Large Entity Small Entity

Fee Fee Fee Fee
Code (\$) Code (\$) Fee Description

103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee Code	Small Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	640
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.129	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment of property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 705

SUBMITTED BY

Name (Print/Type)

Moragan E. Malino

Registration No.
(Attorney/Agent)

41,177

Complete (if applicable)

Telephone

(650) 812-3472

Signature

Date

October 19, 2001

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be included on this form. Provide credit card information and authorization on PTO-2038.

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Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

09/701,797

CLIFFORD

H PA1675US

INTERNATIONAL APPLICATION NO.

022830
CARR & FERRELL LLP
2225 EAST BAYSHORE ROAD
SUITE 200
PALO ALTO CA 94303

5071

PCT/US99/12433

I.A. FILING DATE

PRIORITY DATE

06/03/99 03/06/98
02/23/01

DATE MAILED:

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. *Both Appl on both*
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: (703) 441-1111

FORM PCT/DO/EO/917 (September 1996)

Action: Response to
Refractive POK Due

Due: 3/11/2001

Due:

Due:

Due:

Due:

Due:

Completed by: JCI Date: 2/23/2001

Atty General's Handbook:



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Clifford L. Hersh, Herbert W. Sullivan
SERIAL NO.: 09/701,797
FILING DATE: 12/1/2000
TITLE: Method for Increased Concurrency in a Computer System
EXAMINER: n/a
GROUP ART UNIT: n/a
ATTY.DKT.NO.: PA1675US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231, on the date printed below:

Dated: October 19, 2001

Morgan E. Marino

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO NOTIFICATION OF A DEFECTIVE
OATH OR DECLARATION

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Sir:

Applicants believe the enclosed submission constitutes a complete reply to the outstanding Notification of a Defective Oath or Declaration mailed on February 23, 2001.

The attached declaration fully complies with 37 CFR 1.63 – 1.69. The first two pages have been executed by the legal representative of Herbert W. Sullivan (deceased). All four pages have been executed by Clifford L. Hersh. Together, the four-page declaration satisfies the statutory requirements. Of specific note, both inventors are identified on page one of the declaration ("First Named Inventor" is listed as Clifford L. Hersh, and the statement "I believe that Herbert W. Sullivan was the first and joint

inventor . . ." is made) as well as on page four (signature blocks identify both Mr. Hersh and Mr. Sullivan as inventors). Additionally, the citizenship, residence and mailing address of both inventors are identified on page four, and the citizenship, residence and mailing address of Joan Todd, legal representative of Mr. Sullivan, is identified on page two.

Accordingly, Applicants believe the attached declaration constitutes a complete reply to the outstanding Office Action.

Respectfully submitted,

Clifford L. Hersh and
Herbert W. Sullivan

Dated: October 19, 2001

By: 

Morgan E. Malino
Attorney, Reg. No. 41,177
CARR & FERRELL LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444

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PTO/SB/01 Modified (10-00)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	PA1675US
	First Named Inventor	Clifford L. Hersh
	COMPLETE IF KNOWN	
	Application Number	09/701,797
	Filing Date	December 1, 2000
	Group Art Unit	unknown
	Examiner Name	unknown

As a below named legal representative, I hereby declare on information and belief that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that Herbert W. Sullivan was the first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method For Increased Concurrency In A Computer System

(Title of the Invention)

the specification of which

☐ is attached hereto
OR
☒ was filed on (MM/DD/YYYY) 12/01/2000 as United States Application Number or PCT International Application Number 09/701,797 and was amended on (MM/DD/YYYY) (if applicable).

On information and belief Herbert W. Sullivan reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

On information and belief Herbert W. Sullivan acknowledged the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Herbert W. Sullivan hereby claims foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/US99/12433	PCT	06/03/1999	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

Herbert W. Sullivan hereby claims the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/087,891	06/03/1998

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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[Page 1 of 2]

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OFFICE OF PATENTS
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Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

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or Bar Code Label



OR ☐

Correspondence address below

22830

Name

PATENT TRADEMARK OFFICE

Address

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FIRST INVENTOR'S LEGAL REPRESENTATIVE: (Representing Herbert W. Sullivan)

Given Name Joan
(first and middle (if any))

Family Name Todd
or Surname

Representative's
Signature

Date

1/30/00

Residence: City

NEW YORK

State

N.Y.

Country

U.S.

Citizenship

U.S.A.

Mailing Address

205 WEST END AVENUE

Mailing Address

APT. 22E

City

NEW YORK

State

N.Y.

ZIP

10023

Country

U.S.A.

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any))

Family Name
or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



#8

Please type a plus sign (+) inside this box → ☐**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number PA1675US

First Named Inventor Clifford L. Hersh

COMPLETE IF KNOWN

Application Number 09/701,797

Filing Date December 1, 2000

Group Art Unit unknown

Examiner Name unknown

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method For Increased Concurrency In A Computer System

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 12/01/2000

as United States Application Number or PCT International

Application Number 09/701,797 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/US99/12433	PCT	06/03/1999	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

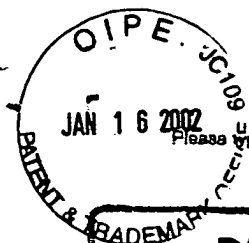
Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/087,891	06/03/1998	

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:



Customer Number
or Bar Code Label



OR ☐

Correspondence address below

Name

22830

PATENT TRADEMARK OFFICE

Address

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :



A petition has been filed for this unsigned inventor

Given Name Clifford L.

(first and middle [if any])

Family Name Hersh
or Surname

Inventor's
Signature

Clifford Hersh

Date 10/11/001

Residence: City Berkeley

State CA

Country USA

Citizenship USA

Mailing Address 2631 Piedmont Ave

Mailing Address

City Berkeley

State CA

ZIP 94704

Country USA

NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

Given Name Herbert W.

(first and middle [if any])

Family Name Sullivan
or Surname

Inventor's Signature Signature of Joan Todd (representative of Herbert Sullivan), along with her address and citizenship appear on page 2 of Declaration

Date n/a

Residence: City New York

State NY

Country USA

Citizenship USA

Mailing Address 205 West End Avenue

Mailing Address Apt. 22E

City New York

State New York

ZIP 10023

Country USA

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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